



Indianapolis Metropolitan Police Department

GENERAL ORDER

1.11

ARREST PROCEDURES

POLICY

It is the policy of the Indianapolis Metropolitan Police Department (IMPD) to arrest, when probable cause and statutory authority exists, those persons who have committed crimes. However, the department gives police officers the authority to use alternatives to custodial arrests in order to more effectively address the variety of problems they may encounter. Officers shall use good judgment and take into account all legal requirements and the degree and severity of the violation committed when determining which alternative to use.

SCOPE

This policy pertains only to the arrest of adult offenders. See General Order 1.17 – *Juvenile Arrest Procedures* for the arrest of juvenile offenders.

DEFINITIONS

Arrest – Per IC 35-33-1-5, the taking of a person into custody, that he/she may be held to answer for a crime.

PROCEDURE

I. Arrest Procedures

Whenever an arrest has been made by an officer, the arresting officer shall, after necessary processing, turn the person arrested over to the custody of the APC (Arrestee Processing Center, 327-7731) who will then assume the obligation, under IC 35-33-7, to present the person arrested to the court having jurisdiction of the offense.

II. Arrest With and Without a Warrant

A. Warrant Arrest

1. Sworn officers of IMPD will execute any verified and valid criminal warrant (i.e. correct address listed on warrant, correct person named on warrant, etc.) which is presented to them or which comes to their attention while they perform their duties.
2. Officers attempting to serve criminal warrants outside of Marion County will make a reasonable attempt to inform the agency with primary jurisdiction of their intent to serve a warrant and will make a reasonable attempt to have an officer of that jurisdiction present, prior to service.
3. If a person with a criminal warrant is believed to be in the residence of a third party, a search warrant must be obtained before entering the residence, unless the resident consents to the officer's entry or exigent circumstances exist.

B. Warrantless Arrest – In accordance with IC 35-33-1-1, a law enforcement officer may arrest a person when the officer has:

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CHIEF OF POLICE

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1. Probable cause to believe the person has committed, or attempted to commit, a felony;
2. Probable cause to believe the person has committed, or attempted to commit, a misdemeanor in the officer's presence; or
3. Probable cause to believe the person has committed, or attempted to commit:
 - a. Leaving the Scene of an Accident (IC 9-26-1-1.1);
 - b. Operating a Vehicle While Intoxicated (IC 9-30-5);
 - c. Battery Resulting in Bodily Injury (IC 35-42-2-1), or Domestic Battery (IC 35-42-2-1.3);
 - d. Invasion of Privacy (IC 35-46-1-15.1) or Violation of No Contact Order (IC 35-46-1-15.3);
 - e. Undisclosed Transport of a Dangerous Device (IC 35-47-6-1.1);
 - f. Carrying a Handgun Without a License (IC 35-47-2-1) or Counterfeit Handgun License (IC 35-47-2-22);
 - g. A Probation Order violation (IC 35-50-7);
 - h. Interfering with the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5) (IC 35-45-2-5); or
 - i. Theft (IC 35-43-4-2).

C. Reporting

1. The arresting officer must complete an incident report and detailed probable cause affidavit for every outright warrantless arrest.
2. The arresting officer must complete either a new or supplemental incident report for all warrant arrests. If the warrant can be associated to an existing original incident report, a supplement to that report must be made.
3. Officers shall refer to General Order 4.25 – *Incident Reporting* for additional reporting procedures.

NOTE

The rules of arrest are perpetually under review by the legislature and the courts. It is incumbent upon members of the department to maintain a contemporary understanding of the laws of arrest in order to fulfill the obligations and mission of the department.

- D. For a warrant to be active in IDACS/NCIC, each of eight required identifiers for the wanted subject must be readily available. Accordingly, when a person is arrested each of the following eight identifiers must be included in any probable cause affidavits, Uniform Traffic Tickets (UTT), and Officer's Arrest Reports (OARs):

1. Name;
2. Date of Birth;
3. Race;
4. Sex;



5. Height;
6. Weight;
7. Eye Color; and
8. Hair Color.

III. Officer's Arrest Report

A. The Officer's Arrest Report (OAR) becomes a permanent record and plays a continual role in identifying suspects in future incidents.

1. Officers must completely and accurately complete the form.
2. All information on the form must be written in black ink and be legibly printed.

NOTE

The APC and the Detention Ward at Eskenazi Hospital will only accept prisoners with a completed Officer's Arrest Report/Book-In Slip.

B. When making an arrest, the arresting officer must complete the OAR in the following manner:

1. Prisoner Information
 - a. Booking Type – Check correct box or boxes;
 - b. Prisoner Name – Complete last, first, middle name and generation (e.g., Jr. or II);
 - c. Other Names – Include any alias subject is known to use;
 - d. Race, sex, age, DOB (numerical sequence, e.g., 05/17/47), and SSN;
 - e. Address (number, direction, street, and suffix), city, state, zip; and
 - f. Cash on hand.
2. Arrest Information
 - a. Arrest location (number, direction, street, and suffix), city, state, zip code;
 - b. Offense location (number, direction, street, and suffix), city, state, zip code;
 - c. Arrest date and time (military time);
 - d. Offense date;
 - e. Arresting officer; and
 - f. Transporting officer.
3. Offense Section
 - a. The officer must write in the appropriate offense and corresponding IC code on the front of the OAR.



- b. Any UTT (Uniform Traffic Ticket) issued to a subject arrested on outright charges must be completed in accordance with General Order 7.5 – *UTT and Warning Ticket Procedures*.
- c. If the arrest is the result of an outstanding warrant, the following information must be written on the OAR:
 - i. The cause number;
 - ii. Bond Amount;
 - iii. Court Number; and
 - iv. State/County issuing the warrant.
- d. A separate OAR is needed for each warrant served.
- e. Officers who wish to add or change charges may do so depending on the stage of processing of the prisoner, but this can only be done in person. No phone calls will be accepted to make changes.

NOTE

When a warrant arrest is made, the officer should write "warrant" in the Offense Box followed by the charge on the warrant.

IV. Alternatives to Arrest

- A. Officers shall exercise good judgment and take into account the degree and severity of the violation committed when determining whether an alternative to a custodial arrest is appropriate. Such considerations may include, but shall not be limited to, the following:
 - 1. The risk that the suspect will commit another crime;
 - 2. Prior criminal record;
 - 3. The risk that the suspect is a danger to him/herself or others;
 - 4. Applicable laws and court decisions; and
 - 5. Goals and objectives of the department.
- B. Alternatives may include, but may not be limited to, the following:
 - 1. Tickets or UTTs;
 - 2. Summons arrests;
 - 3. Warnings; and
 - 4. Referrals.
- C. In accordance with the guidance of General Order 1.12 – *Use of Discretion*, officers should consider the following factors when determining whether an immediate custodial arrest of a hospitalized offender is prudent:



1. Anticipated length of hospital stay;
2. Nature of the crime;
3. Severity of the crime; and
4. Likelihood of the offender committing another crime.

V. Eskenazi Hospital

- A. Sick, injured, or disabled prisoners must be handled in accordance with General Order 8.1 – *Prisoner Handling, Transportation, and Escape*.
- B. The arresting officer must complete and deliver the OAR to the deputy at the Marion County Sheriff's Office Detention Ward at Eskenazi Hospital.